

In the High Court of Judicature at Madras

Dated:24.04.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice J.A.K. SAMPATHKUMAR

Habeas Corpus Petition No.120 of 2006

Kalaimani ... Petitioner

vs.

1. The District Collector &
District Magistrate
Tiruvannamalai District
Tiruvannamalai.
2. The State of Tamil Nadu, rep. by its
Secretary to Government
Prohibition and Excise Department
Fort St. George, Chennai-9.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus to call for the records relating to the detention order dated 13.01.2006 passed by the first respondent herein in his office ref.D.O.No.1/2006/C2, quash the same and direct the respondents to produce the petitioner's husband Thangavelu, Son of Vasu, Valayampattu Colony, Chengam Taluk, Tiruvannamalai District presently undergoing detention in the Central Prison, Vellore under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic offenders, Slum Grabbers and Video Pirates Act, 1982 before this Court and set him at liberty.

For petitioner : Mr. P.Mani
For respondents : Mr. Abudukumar Rajarathinam
Govt., Advocate (Crl.)

ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner, who is the wife of the detenu by name Thangavelu, who was detained as a "Bootlegger" as contemplated under Section 3 (1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short "Tamil Nadu Act 14 of 1982") by the impugned order of detention dated 13.01.2006, challenges the same in this petition.

2. Heard both sides.

3. At the foremost, the learned counsel for the petitioner submitted that inasmuch as the detenu is not conversant with English language and he knows only Tamil, in the Tamil version of grounds of detention he was asked to send his representation to the Chairman, Advisory Board, Koovam House, Omandhurar Government Estate, Swami Sivanandha Salai, Chennai 600 002, there is no specific mention how the same has to be sent / routed through.

4. In the light of the above said contention, we verified the grounds of detention both English and Tamil version. Though in the English version the Detaining authority has specifically stated that the detenu is free to make representation to the Chairman, Advisory Board, Koovam House, Omandhurar Government Estate, Swami Sivanandha Salai, Chennai 600 002 through the Superintendent, Central Prison, Vellore, in the Tamil version of the grounds of detention it has not been clearly stated, viz., how his representation is to be sent to the Chairman Koovam House, Omandhurar Government Estate, Swami Sivanandha Salai, Chennai 600 002. In view of the fact that the detenu is unaware of English language, we hold that defect in the Tamil version of the grounds of detention has caused prejudice in making effective representation, questioning the order of detention. On this ground, the impugned detention order is liable to be quashed; accordingly, quashed and the detenu is directed to be set at liberty forthwith, if he is not required in any other case.

raa

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

To

1. The District Collector & District Magistrate,
Tiruvannamalai District.

2. The Secretary to Government,
State of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai.

3. The Superintendent,
Central Prison, Vellore.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government,
Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor,
High Court, Madras.

+ 1 CC To Mr.P.Mani, Advocate, SR NO.21181.

H.C.P.No.120 of 2006

TEJ(CO)
RVL 28.04.2006



WEB COPY